

E-FILED on February 8, 2007

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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

**Jointly Administered Under  
 Case No. BK-S-06-10725 LBR**

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

**NOTICE OF ENTRY OF ORDER  
 PRELIMINARILY DENYING  
 MOTION FOR RELIEF FROM STAY  
 BY DAYCO FUNDING  
 CORPORATION**

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC

Date: January 17, 2007  
 Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 · Fax: (702) 892-0122

1 TO ALL PARTIES IN INTEREST:

2 NOTICE IS HEREBY GIVEN that an Order Preliminary Denying Motion for Relief From  
3 Stay By Dayco Funding Corporation (Docket No. 2693) was entered on February 5, 2007, a copy  
4 of which is attached hereto.

5 Dated this 8<sup>th</sup> day of February, 2007

6 RAY, QUINNEY & NEBEKER, P.C.  
7 and SCHWARTZER & MCPHERSON LAW FIRM

8 By: /s/ Jeanette E. McPherson  
9 Lenard E. Schwartzter, Esq.  
10 Jeanette E. McPherson, Esq.  
11 *Attorneys for the Debtors and Debtors in Possession*

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**CERTIFICATE OF SERVICE**

1. On February 8, 2007 I served the following document(s):

a. Notice of Entry of Order Preliminary Denying Motion for Relief From Stay By  
Dayco Funding Corporation

2. I served the above-named document(s) by the following means to the persons as listed  
below:

☒ a. **By ECF System:**

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☐ b. **By United States mail, postage fully prepaid:**

☐ c. **By Personal Service**

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed on: February 8, 2007

LIA DORSEY

(Name of Declarant)

/s/ LIA DORSEY

(Signature of Declarant)

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2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
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Entered on Docket  
February 05, 2007

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

In re:  
USA SECURITIES, LLC,  
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
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Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

Chapter 11

**Jointly Administered Under  
Case No. BK-S-06-10725 LBR**

**ORDER PRELIMINARILY  
DENYING MOTION FOR RELIEF  
FROM STAY BY DAYCO FUNDING  
CORPORATION**

Date: January 17, 2007  
Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
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The Motion for Relief From Stay regarding the property at 10325 Datura Road, Hesperia, California (the "Motion") filed by Dayco Funding Corporation ("Dayco") (Docket No. 2094) having come before this Court for hearing after notice, USA Commercial Mortgage Company (the "Debtor") appearing by and through its counsel, Lenard E. Schwartzer of the Schwartzer & McPherson Law Firm; Dayco appearing by and through its counsel, Andrew K. Alper, Esq. of Frandzel Robins Bloom & Csato, L.C.; and the Unsecured Creditors Committee appearing by and through its counsel, Susan Freeman, Esq. of Lewis and Roca, LLP; the Court having reviewed the briefs on file, having heard the arguments and representations of counsel and preliminarily finding that the Debtor is likely to prevail on the Motion for the reasons stated on the record, it is

ORDERED that the Motion be, and hereby is, preliminarily denied; and it is further

ORDERED that the Motion be continued for hearing on February 15, 2007 at 9:30 a.m.

**Prepared by**  
**RAY, QUINNEY & NEBEKER, P.C. and**  
**SCHWARTZER & MCPHERSON LAW**  
**FIRM**

**Approved/Disapproved**  
**LEWIS AND ROCA, LLP**

By: /s/ Lenard E. Schwartzer  
 Lenard E. Schwartzer, Esq.  
*Attorneys for the Debtors and Debtors in Possession*

By: /s/ Susan Freeman  
 Susan Freeman, Esq.  
*Attorneys for Unsecured Creditors Committee*

**Approved/Disapproved**  
**FRANDZEL ROBINS BLOOM & CSATO, L.C.**

By: \_\_\_\_\_  
 Andrew K. Alper, Esq.  
*Counsel for Dayco Funding Corporation*

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

\_\_\_ The court has waived the requirement of approval under LR 9021.

\_\_\_ No parties appeared or filed written objections, and there is no trustee appointed in the case.

X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Andrew Alper – failed to respond

###

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